

<b>OAKRIDGE SAND &amp; GRAVEL, INC.,</b>	)	<b>AGBCA No. 2003-145-1</b>
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
Ramon Fisher, Controller	)	
Oakridge Sand & Gravel, Inc.	)	
P.O. Box 751	)	
Oakridge, Oregon 97463	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Mary E. Sajna, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
1220 S.W. Third Avenue, Room 1734	)	
Portland, Oregon 97204-2825	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

March 21, 2003

**Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge VERGILIO.**

Oakridge Sand & Gravel, Inc. (the contractor) of Oakridge, Oregon, submitted a notice of appeal, postmarked January 15, 2003, involving the respondent, the U. S. Department of Agriculture, Forest Service. The contractor claims entitlement to additional payment under its Emergency Equipment Rental Agreement, No. 56-04R4-2-F020, for work performed on the Tiller Complex Incident in the Umpqua National Forest (Roseburg, Oregon) from July 16, through August 27, 2002. In a decision sent to the contractor under a cover letter dated October 3, 2002, the contracting officer denied the underlying contractor claim to recover \$34,099.

The timeliness of the contractor's filing of this matter with the Board was discussed in telephone conferences with the Board and parties. The Contract Disputes Act of 1978, as amended, directs that a contractor may appeal a contracting officer's decision to a board of contract appeals within ninety days from the date of receipt of the decision. 41 U.S.C. § 606. This Board lacks jurisdiction over a matter filed beyond the ninety-day period.

During a telephone conference with the Board, held on March 20, 2003, the parties stipulated to the fact that the contractor did not file the appeal within ninety days of receipt of the contracting officer's decision. The parties recognized that this matter would be dismissed for lack of jurisdiction.

**DECISION**

Based upon the stipulation of the parties, the contractor has failed to file this appeal within ninety days of receipt of the contracting officer's decision. The Board lacks jurisdiction over this untimely-filed matter, which is hereby dismissed for lack of jurisdiction.

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**JOSEPH A. VERGILIO**

Administrative Judge

Concurring:

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**HOWARD A. POLLACK**

Administrative Judge

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**ANNE W. WESTBROOK**

Administrative Judge

**Issued at Washington, D.C.**

**March 21, 2003**